



06-08-04

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Application No. 10/821,659

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3156.16US02

Dittmer, et. al.

Application No.: 10/821,659

Filed: April 9, 2004

Group Art Unit: Not Assigned

For: SECURE MOUNTING SYSTEM FOR OVERHEAD MOUNTED PROJECTOR

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PETITION TO MAKE APPLICATION SPECIAL  
UNDER 37 C.F.R. §1.102(d)

Assistant Commissioner for Patents  
Washington, D.C. 20231

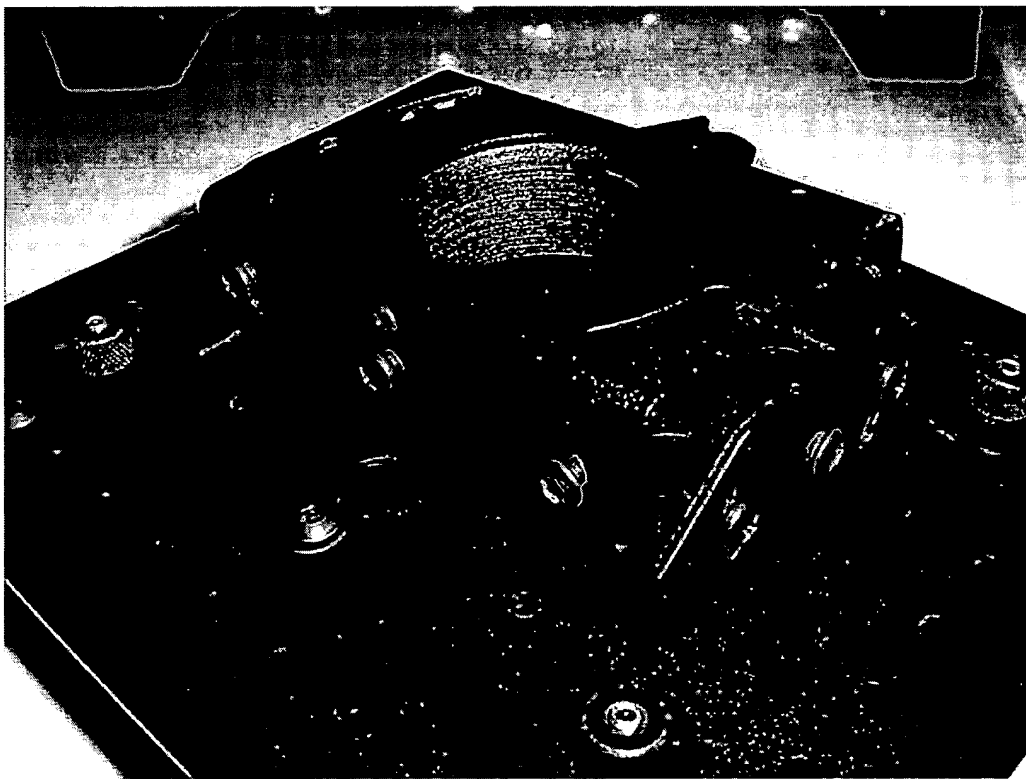
Sir:

Applicant hereby petitions to make the above-identified non-provisional patent application special under 37 C.F.R. §1.102(d) and per the requirements of MPEP 708.02, paragraph II (Infringement). Enclosed please find a check in the amount of \$430.00, which includes the petition fee of \$130.00 and the fee of \$300.00 for early publication of the application. Please credit or debit Deposit Account No. 16-0631 as needed to ensure consideration of the disclosed information.

Applicant submits that the pre-requisites for making the application special have been met, per MPEP 708.02, paragraph II, in that: (1) there is an infringing device on the market; (2) I have made a rigid comparison of the alleged infringing device with the claims of the application and, in my opinion, at least one of the claims is unquestionably infringed; and (3) I have caused to be made a careful and thorough search of the prior art, the search being made on-line by the law firm of Patterson, Thuente, Skaar and Christensen, P.A. of Minneapolis, Minnesota and including the U.S. art in *Class 248, Subclasses 221.11, 317, 324, and 917*. The

references deemed most closely related to the subject matter are submitted in a separate Information Disclosure Statement filed concurrently with this Petition.

Reproduced below as Figure 1 is a photograph of an infringing device that was recently introduced into the U.S.A. market by a company called CBM Metal USA of Niagara Falls, New York. The infringing device carries the designation "Scrambler- Universal Projector Mount".



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Figure 1

Figure 2 is a copy of the assembly instructions that were included in the package with the mount depicted in Figure 1. Figure 3 is a printout of a CBM Metal webpage, viewed on June 4, 2004, at [http://www.cbmmetal.com/cataloguePages.cfm?product\\_id=106&ser\\_id=50&cat\\_id=3](http://www.cbmmetal.com/cataloguePages.cfm?product_id=106&ser_id=50&cat_id=3).

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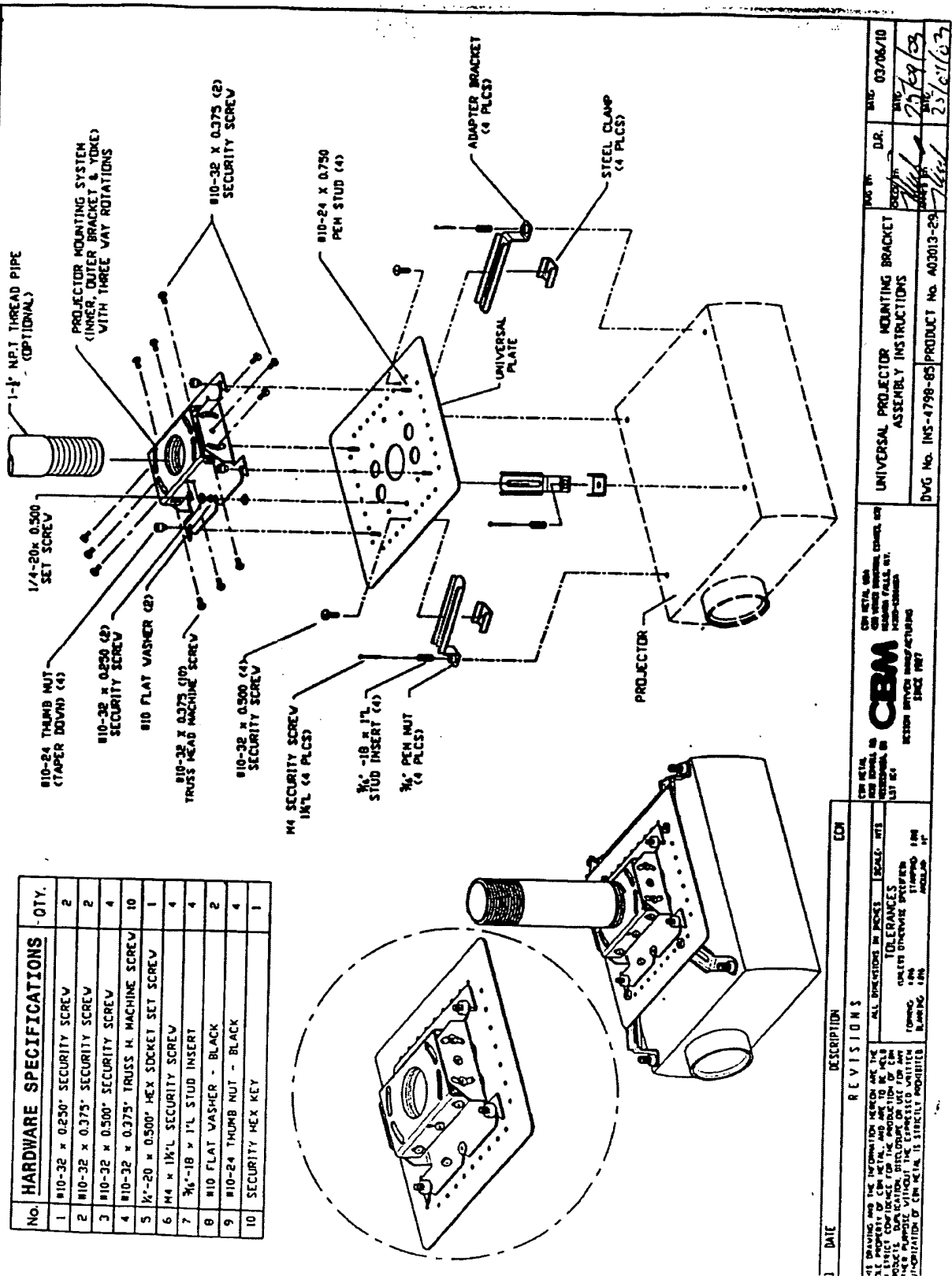


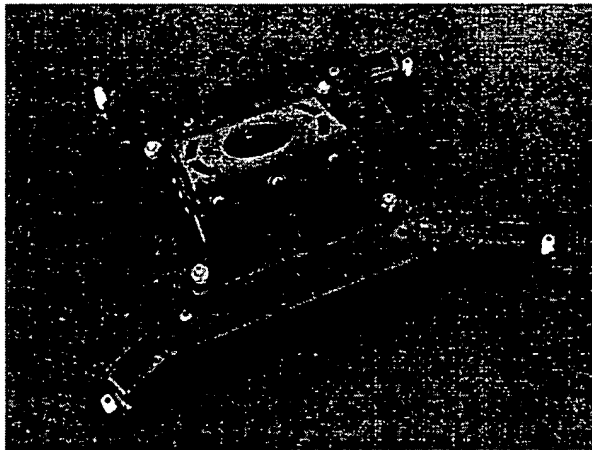
Figure 2



## Products

[Catalogue Home](#)>[AV Brackets](#)>[Projector Mounting Brackets & Accessories](#)

### Scrambler - Universal Projector Mount



**Product Number: A03013-29**

The Scrambler - Universal Projector Mount fits most flush mount or support with CBM accessories...

**Size (mm):** 413 L x 305W x 64H

**Size (In):** 16 1/4L x 12W x 2 1/2H

**Shipping Weight:** 4 Lbs.

**Color:** Black powder coat finish


**Features**

- Three way adjustability for optimum projection angle
- Thread forming hardware
- Flush ceiling mount or threaded tube mount capable

**Options**

- Optional security kit hardware - A03013-29-KIT - Call for quantity pricing!!

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Presented below is a claim chart with my detailed comparison of the CBM Metal device with Claim 22 of the present application. Based on my analysis, I conclude that each and every limitation of Claim 22 is present in the CBM Metal device, and that at least Claim 22 is therefore unquestionably infringed.

# Infringement Claim Chart for CBM Metal "Scrambler Universal Projector Mount"

## Comparison Of The CBM Metal Device With The Claim Language

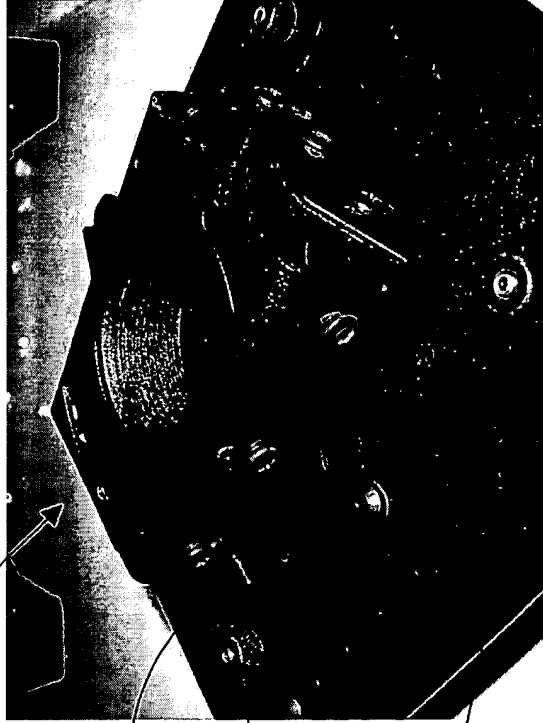
22. Claim From Present Application  
 A tamper resistant mounting system for adjustably attaching a visual projection device to a suspension member fixedly attached to an overhead structure, the system comprising:  
 a device interface bracket adapted to be attachable to the projection device;  
 a tamper resistant means for attaching said device interface bracket to the projection device;  
 a suspension member interface portion operably coupled to said device interface bracket, said suspension member interface portion adapted to be attachable to the suspension member; and  
 a tamper resistant means for fastening said suspension member interface portion to said device interface bracket.

The depicted device is a mount for attaching a projector to an overhead structure such as a ceiling, with a suspension member such as a threaded pipe.

The depicted device has tamper resistant means for attaching the device interface bracket to the projection device in the form of a tamper resistant fastener.

The suspension member interface portion of the depicted device has a threaded aperture for receiving a threaded pipe suspension member.

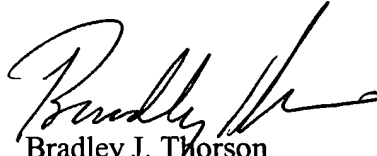
The depicted device has tamper resistant means for fastening the suspension member interface portion to the device interface bracket in the form of a tamper resistant fastener.



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In view of the above, Applicant respectfully submits the pre-requisites for special status, per MPEP 708.02, paragraph II (Infringement), have been met and that the requirements for making the present application special per 37 C.F.R. § 1.102(d) have been met. As such, Applicant requests that the Commissioner grant the petition and move the application forward for accelerated examination.

Respectfully submitted,

  
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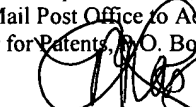
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CERTIFICATE OF EXPRESS MAIL

"Express Mail" mailing label number EV434262854. Date of Deposit: June 7, 2004. I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mia Vang

Name of Person Making Deposit

  
Signature